

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-29518-2022

Date of Decision:- 18.11.2022

ARVIND DHIMAN & ORS.

...Petitioners

Vs.

STATE OF PUNJAB & ANR.

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Abhishek Batta, Adv. For the petitioners.

Mr. Kunwarbir Singh, Assistant A.G. Punjab.

AMARJOT BHATTI, J. (Oral)

The petitioners Arvind Dhiman, Varinder and Anita have filed the instant petition under Section 482 Cr.P.C. for quashing of the FIR No.4 dated 25.08.2018 under Sections 498-A/406/323 IPC registered at Police Station Women Cell, Ferozepur, District Ferozepur and the consequent proceedings arising out of the said FIR on the basis of compromise.

The facts of the case are that on the complaint of Priyanka Dhiman @ Malti Sethi the present FIR was registered. As per the version of complainant she got married with Arvind Dhiman on 01.09.2014 at Mandi Gobindgarh, Tehsil Amloh, District Fatehgarh Sahib. Out of this wedlock she gave birth to two children. During her entire married life she was being harassed by her husband and in-laws family. On 01.09.2017 she was turned out of the matrimonial home along with her younger son. Since then she is residing in her parent's house at friends Enclave, Zira Tehsil Zir District Ferozepur. Her husband and in-laws family are threatening her.

With these allegations it was prayed that action be taken against them. During investigation the complainant stated that her father had spent Rs.24/25 lakh on marriage. She was given gold ornaments/cloths and other articles. Her husband and in-laws family used to taunt her for bringing dowry article of inferior quality. They raised demand of Rs. 20,00,000/- for purchasing a car. She was also beaten up for not satisfying their demand. Some of the demands of her husband were satisfied but with the gap of time they starting misbehaving in the same manner. Ultimately the present FIR was registered under Sections 498/406/323 IPC.

Notice of petition was given to the respondents and the parties were directed to appear before the Illaqa Magistrate/trial Court for recording their statement regarding the said compromise.

The detailed report dated 09.11.2022 received from the court of Chief Judicial Magistrate, Ferozepur. The learned Chief Judicial Magistrate recorded the statement of the petitioners Arvind Dhiman, Varinder Dhiman and Anita Dhiman as well as the complainant Priyanka Dhiman @ Malti Sethi confirming the compromise. They also confirmed that this compromise has been effected with their free will without any pressure or coercion.

I have also gone through the statement of the parties recorded by the Chief Judicial Magistrate, Ferozepur. The parties have confirmed the compromise. The statement of Investigating Officer was also recorded, who confirmed that the petitioners have never been declared proclaimed offender.

Learned counsel appearing on behalf of the State has not disputed the fact of compromise arrived at between the parties.

I have considered the arguments as well as the compromise

arrived at between the parties. It is clear that respondent No.2 Priyanka Dhiman @ Malti Sethi and Arvind Dhiman, Varinder and Anita Dhiman have settled their disputes with mutual consent. They have decided to break the matrimonial tie between the Arvind Dhiman and Priyanka Dhiman @ Malti Sethi as a result of which they have taken divorce with mutual consent under Section 13-B of Hindu Marriage Act. No other dispute is left between the parties and they have mutually settled all their claims. As per the compromise, both the parties will be able to live in peace and harmony and they will be able to start their life afresh. Under these circumstances, no purpose would be served by continuing with the criminal proceedings in the aforesaid FIR and this compromise will also help them to avoid further civil or criminal litigation.

Therefore, the petition filed by the petitioners is allowed and the FIR No.4 dated 25.08.2018 under Sections 498-A/406/323 IPC registered at Police Station Women Cell, Ferozepur, District Ferozepur and the consequent proceedings arising therefrom are quashed.

18.11.2022
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(AMARJOT BHATTI)
JUDGE

Whether the speaking/reasoned:- Yes/No

Whether the reportable:- Yes/No